

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION


UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. H-90-424 (02)
	§	CIVIL ACTION NO. G-05-141
GERMAN DUQUE	§	

**OPINION AND ORDER**

Before the Court is a Report and Recommendation from the United States Magistrate Judge which recommends that the “ Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody” of German Duque be dismissed. No objections to the Report and Recommendation have been filed by Duque.

Upon *de novo* review, pursuant to 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation is a well reasoned and correct application of present federal case law to the facts set forth in the motion by Duque and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein. Accordingly, it is the **ORDER** of this Court that the “ Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody” (Instrument no. 445) of German Duque is **DENIED** in its entirety.

**DONE** at Galveston, Texas, this 29<sup>th</sup> day of April, 2005.

  
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Samuel B. Kent  
United States District Judge